

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CLIFFORD A. LOWE, *et al.*,

Plaintiffs,

vs.

SHIELDMARK, INC., *et al.*,

Defendants.

OPINION & ORDER
[Related Doc. 229]

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this patent infringement case, Plaintiffs Lowe and Spota LLC have filed an appeal and now move for the Court's approval of a supersedeas bond in the amount of \$224,000 and a stay of the execution of judgment pending resolution of the appeal.

Pursuant to Fed. R. Civ. Pro. 62(b), a party may obtain a stay as a matter of right by providing a bond or other security.¹ "A district court has discretion to fix the amount of the bond or waive the bond requirement."²

While Plaintiffs offered calculations supporting its \$224,000 bond amount, those calculations did not consider the lost use of the judgment amount during the appeal pendency.

Accordingly, the Court GRANTS Plaintiffs' motion to set a supersedeas bond but sets the bond amount at \$235,000.

IT IS SO ORDERED.

Dated: June 23, 2023

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹ *Arban v. West Pub. Corp.*, 345 F.3d 390, 409 (6th Cir. 2003). This Court has jurisdiction over this motion. *See Hill v. Burgeon Legal Grp. Co.*, 2020 WL 6746856, at *1 (D.N.J. Nov. 17, 2020).

² *Sofco Erectors, Inc. v. Trustees of Ohio Operating Engineers Pension Fund*, 2021 WL 858728, at *2 (S.D. Ohio Mar. 8, 2021) (citations omitted).